

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Cindrich et al.

SERIAL NO.: 10/567,051 I.A Number: PCT/US04/26109

I.A. FILING DATE: 08/12/2004 EXAMINER: TBD

FOR: Patch-like infusion device

The Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. § 1.47(a) and Statements of Facts**

Pursuant to 37 C.F.R. § 1.47(a) and on behalf of inventors Cindrich, Sonderegger, Harding, Lastovich, and Vedrine, the undersigned requests the USPTO to accept the Oath and Declaration of the aforementioned inventors under 37 CFR 1.47, as inventor Glade Howell cannot be reached and/or refuses to sign.

A “*Notification of Missing Requirements under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US)*” was mailed by the USPTO on July 27, 2006. The missing part of the application was designated as the “*Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) identifying the application by the international application number and international filing date*”. Therefore, the period for reply with a Four Month Extension of time extends to Saturday January 27, 2007. Thus this reply filed on Monday, January 29, 2007 is filed with a four month extension herewith. A Declaration and Power of Attorney for Patent Application fully executed by the all of the above-named inventors, except Mr. Howell, is submitted herewith.

## Statement of Facts

- A Letter dated November 17, 2006 was mailed to Mr. Howell's last known address, at the direction of the undersigned. The letter included a Declaration, Power of Attorney, Assignment and a copy of the application, including the specification, claims and drawings. **No response was received.** (Copy of Cover Letter Enclosed Herewith)
- The last known address for Mr. Howell is:
  - 1202 East 11000, South; Sandy, Utah 84094
- The aforementioned Letter was sent via Overnight courier and was delivered to the address on November 20, 2006. (Shipping Document, Internal Mail Request, and Tracking Summary Enclosed Herewith)
- Upon learning of Mr. Howell's departure from Becton Dickinson and Company (BD) (the present Assignee of the Application), the undersigned attempted to reach Mark Crawford, who was an associate of Mr. Howell's while Mr. Howell was employed at BD. Mr. Crawford indicated that Mr. Howell was out of the country and had rented his residence. Mr. Crawford also indicated he had a contact e-mail for Mr. Howell, and would forward electronic copies of the documents to Mr. Howell.
- An e-mail dated December 21, 2006 was electronically sent to Mr. Crawford and subsequently electronically forwarded to Mr. Howell ([Glade\\_Howell@yahoo.com](mailto:Glade_Howell@yahoo.com)) on the same day, with electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. This e-mail was also forwarded to the undersigned. **No Response was received.**
- An e-mail dated January 22, 2007 was sent directly to Mr. Howell, with a chain of the previous two e-mails, also including electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. (Copy Enclosed) **Again, no response was received.**
- A co-pending application (U.S. S/N 10/916,649) which has the same inventorship as the instant application contains an Oath and Declaration that was endorsed by Mr. Glade Howell., and furthermore claims priority to a common provisional application.

I certify that the statements set forth in this Statement of Facts are true and correct, except as to matters stated on information and belief, and as to such matters I certify as aforesaid that I believe the same to be true.

As set forth in such Statements of Fact, contact information for Mr. Howell was located, but refused to sign the Declaration, Power of Attorney and Assignment after several *bona fide* attempts were made to present to him for review and signature, a copy of the entire application (specification, including claims and drawings).

Accordingly, on behalf of other inventors under 37 C.F.R. §1.47(a), the undersigned requests the office to accept the Oath and Declaration as complete and accept the application as complete under the 35 U.S.C. 371.

Although applicant believes only a fee under 1.16(f) (\$130.00), Extensions of time for Four Months (\$1590.00) and a fee under 1.17(g) (\$200.00) is required, the Commissioner is hereby authorized to charge Deposit Account No. 02-1666 for any additional fees which may be required or credit any overpayment to Deposit Account No. 02-1666.

Respectfully submitted,

Dated: January 29, 2007

By: /Robert E. West Reg #48,030/  
Robert E. West  
Reg. No. 48,030  
Agent for Applicants  
(201) 847-6782

Becton, Dickinson and Company  
1 Becton Drive  
Franklin Lakes, NJ 07417-1880  
(201) 847-6782

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Ursula M. Polignone  
Legal Administrative Assistant  
Phone: 201-847-5728  
Fax: 201-847-5377

VIA OVERNIGHT MAIL

November 17, 2006

Mr. Glade Howell  
1202 East 11000, South  
Sandy, Utah 84094

Re: Patent Application Entitled:  
"Patch-Like Infusion Device"  
BD File Nos.: P-6244/C

Dear Mr. Howell:

Enclosed is a copy of the patent application relating to the subject invention that was filed on February 2, 2006 with the U.S. Patent and Trademark Office. Also enclosed you will find the following original documents for your signature in connection with that application:

1. Combined Declaration and Power of Attorney
2. Assignment

After you have properly executed the documents where indicated, kindly return the executed documents to me in the enclosed envelope as quickly as possible so that they can be filed with the USPTO. You may retain the copy of the application for your file.

Please note that the Assignment should be executed before a Notary Public. If you do not have access to a Notary Public, sign and date only page 2 of the Assignment.

Should you have any questions, do not hesitate to call me.

Sincerely yours,

*Ursula M. Polignone*  
Ursula M. Polignone for  
ROBERT E. WEST  
Patent Agent

REW:up  
Enclosures  
#116884



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**TRACKING NUMBER** 1Z 058 546 22 1005 112 4

**1 SHIPMENT FROM**

SHIPPER'S  
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REFERENCE NUMBER

P-6244C

NAME GLADE HOWELL TELEPHONE

COMPANY

STREET ADDRESS

1202 EAST 11000, SOUTH

CITY AND STATE

SANDY, UTAH

ZIP CODE

84094

**2 EXTREMELY URGENT DELIVERY TO**

NAME URSULA POLIGNONE TELEPHONE

URSULA POLIGNONE (201) 847-5728

COMPANY

BD

STREET ADDRESS

1 BECTON DRIVE - MC 089

DEPT./FLR. Residental

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

FRANKLIN LAKES, NJ 07417

ZIP CODE



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	For WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.		\$		
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**8 RECEIVERS/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.** EXPIRATION DATE

058546

THIRD PARTY'S COMPANY NAME

BD

STREET ADDRESS

1 BECTON DRIVE

CITY AND STATE

FRANKLIN LAKES, NJ 07417

ZIP CODE

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### Tracking Numbers

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**Type:** Package  
**Status:** Delivered  
**Delivered on:** 11/20/2006  
9:25 A.M.  
**Delivered to:** SANDY, UT, US  
**Service Type:** NEXT DAY AIR

Tracking results provided by UPS: 12/15/2006 2:49 P.M. EST (USA)

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> Fw: P-6244C Oath & Dec



Bob West/FLKS/BDX  
01/22/2007 04:46 PM

To Glade\_Howell@yahoo.com  
cc Mark Crawford/SNDY/BDX@BDX  
bcc  
Subject Fw: P-6244C Oath & Dec

Glade:

I have yet to receive the signed copies of the attached documents.

Please execute the attached documents according to the instructions below and return to my attention.

If you have any questions please feel free to contact me.

Best Regards,  
Bob



**Robert E. West**  
**Senior Patent Agent**  
Corporate Law Department  
Becton, Dickinson and Company  
1 Becton Drive, Mail Code 089  
Franklin Lakes, NJ 07417  
tel: 201.847.6782  
voicemail: 800.288.9165 x6782  
fax: 201.848.9228  
web: www.bd.com  
E-mail: Bob\_West@bd.com

---- Forwarded by Bob West/FLKS/BDX on 01/22/2007 03:54 PM ----

Mark Crawford/SNDY/BDX

12/21/2006 12:33 PM

To Glade\_Howell@yahoo.com  
cc Bob West/FLKS/BDX@BDX  
Subject Fw: P-6244C Oath & Dec

Glade,

Attached are the documents for your signature. Please follow Bob's instructions. If at all possible please e-mail the signed documents back to Bob (bob\_west@bd.com) by December 27.

Thanks for your cooperation.

Have a Merry Christmas.

Mark

---- Forwarded by Mark Crawford/SNDY/BDX on 12/21/2006 10:27 AM ----



Bob West/FLKS/BDX  
12/21/2006 10:18 AM

To Mark Crawford/SNDY/BDX@BDX  
cc  
Subject P-6244C Oath & Dec

> Fw: P-6244C Oath & Dec

Mark:  
Please forward to Glade.

Currently the only hard deadline is for the signed (either e-signed or hand signed) copy of the Declaration.

Glade, please sign the documents attached.

Here are three options:

1. Print out and Sign in Ink both the Assignment and Declaration and Scan them back in and email back and mail the hard copies back too.
2. Print out and Sign in Ink just the Assignment and E-sign the Declaration; email back the declaration and scan and e-mail the assignment.
3. Print out and Sign in Ink just the Assignment and E-sign the Declaration; email back the declaration and mail the assignment when you return.

This application is the US National Stage of WO 2005/018703 available at:  
<http://v3.espacenet.com/origdoc?DB=EPDOC&IDX=EP1654022&CY=ep&LG=en&RPN=W02005018703&DOC=deb46d24db974e06c5833af4bc761ded94>

Rules for E-signing (the PDF has a text box in it already for entering a // signature and a text box for the date)

- 1) The E-signature must consist only of letters or Arabic numbers, or both, and appropriate spaces, commas, periods, apostrophes, or hyphens for punctuation.
- 2) The E-signature must be placed between forward slashes.
- 3) The person signing must insert his or her own signature.

I suggest "/Glade Howell/" and entering the date.

Thanks,  
Bob

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**Robert E. West**  
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> Fw: P-6244C Oath & Dec

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